

CCR Interrogatories

11. What is the Interagency Working Group on Environmental Justice? Please explain the in detail.

The Interagency Working Group on Environmental Justice (EJ IWG) facilitates the active involvement of all federal agencies to implement Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," (Order). The Order states that the EJ IWG shall address the following:

- 1) Provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
- 2) Coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of the Order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner.
- 3) Assist in coordinating research by, and stimulating cooperation among, the EPA, HHS, HUD and other agencies conducting research or other activities in accordance with section 3-3 of the order:
- 4) Assist in coordinating data collection, required by the Order
- 5) Examine existing data and studies on environmental justice
- 6) Hold public meetings as required in section 5-502(d) of the Executive Order.

Established by the Order, the EJ IWG provides a forum for federal agencies collectively to advance environmental justice principles. The EJ IWG works as a federal family to assist communities in building the capacity to promote and implement innovative and comprehensive solutions that address environmental justice issues.

In 2011, the EJ IWG agencies took a landmark step to support environmental justice by signing a Memorandum of Understanding¹ on Environmental Justice and Executive Order 12898 (MOU) and adopting a Charter. The MOU serves as a formal agreement among federal agencies to recommit to addressing environmental justice through a more collaborative, comprehensive, and efficient process. The Charter, revised in late 2014, outlines the EJ IWG governance structure which includes the following four standing (permanent) committees:

- Public Participation
- Regional Interagency Working Groups
- Strategy and Implementation Progress Report
- Title VI of the Civil Rights Act

In addition, consistent with the Presidential Memorandum issued with the Order, and based on public recommendations, every three years the EJ IWG determines if there are additional focus areas for

federal agencies to consider and address. During years 2016 – 2018, the EJ IWG will maintain committees to address the following five focus areas:

- Native Americans/Indigenous Peoples
- Rural Communities
- Impacts from Climate Change
- Impacts from Commercial Transportation (Goods Movement)
- National Environmental Policy Act (NEPA)

EJ IWG Federal Agencies

- | | |
|---|---|
| ▪ Environmental Protection Agency (Chair) | ▪ Department of Interior |
| ▪ Department of Agriculture | ▪ Department of Justice |
| ▪ Department of Commerce | ▪ Department of Labor |
| ▪ Department of Defense | ▪ Department of Transportation |
| ▪ Department of Education | ▪ Department of Veterans Affairs |
| ▪ Department of Energy | ▪ General Services Administration |
| ▪ Department of Health and Human Services | ▪ Small Business Administration |
| ▪ Department of Homeland Security | ▪ White House Office:
Council on Environmental Quality |
| ▪ Department of Housing and Urban Development | |

12. What does EPA believe its role to be in the IWG? Please explain in detail.

The EJ IWG is chaired by the EPA Administrator and includes federal agencies and White House offices. The EJ IWG has standing committees and other committees established as necessary to carry out responsibilities outlined by the Order. The EJ IWG consists of senior leadership representatives, senior staff representatives, and other persons designated by a federal agency.

The EJ IWG’s primary goal is to work with each federal agency to integrate environmental justice within its programs, policies, and activities. EPA’s role in the EJ IWG is to provide leadership and strategic management.

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Comment [CRT1]: I moved this up to the EJ IWG section.

13. What does EPA believe DOJ's role to be in the IWG? Please explain in detail.

Interagency collaboration is another crucial element to successfully addressing the environmental justice issues that communities face. The Department of Justice remains an active member of the Federal Interagency Working Group on Environmental Justice (EJ IWG), created by Executive Order 12898. DOJ continues to work along with other EJ IWG member agencies to identify ways to improve interagency coordination and information sharing among federal civil rights staff and the public. DOJ also:

1. ~~Promotes the goal that all communities may live in a safe and healthy environment through the fair and effective enforcement of the Nation's laws.~~ This effort will be carried out in conjunction with client agencies and will include the investigation and litigation of environmental, civil rights, and criminal cases by the Environment and Natural Resources, Civil Rights, and Civil Divisions, and the United States Attorneys' Offices.
 2. Ensures consistent enforcement of Title VI of the Civil Rights Act of 1964 by coordinating with other Federal agencies, including the Environmental Protection Agency and the Department of Transportation, to effectively investigate civil rights complaints. Additionally, the Department will provide technical assistance to agencies and jointly investigate matters when appropriate.
- Pending DOJ input

Comment [CMF2]: Similar to CRT's comment on the second item listed, this is not really specific to our involvement in the EJ IWG and so I would delete it. It appears the questions wants to know EPA's view of DOJ's role on the EJ IWG. Seems like the response should focus on DOJ EJ IWG efforts.

Comment [CRT3]: Formatting issue

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Comment [CRT4]: This is not exactly our role in the IWG. We lead various committees. Perhaps that can be described here.

DOJ has assumed a leadership role in ensuring a coordinated Federal response to environmental justice issues. Representatives from DOJ's Environment and Natural Resources Division and Civil Rights Division regularly participate in EJ IWG senior staff-level meetings and identify ways the Department can support and further the EJ IWG's work.

DOJ staff participation in the EJ IWG committees is described below.

14. How has EPA worked with DOJ in the IWG in the past? Please explain in detail.

Through the years, DOJ has been an active member of the EJ IWG serving in various capacities. Currently, DOJ co-chairs the following 4 Committees:

_____Native Americans/Indigenous Peoples

Public Participation

_____Strategy and Implementation Progress Report

_____Title VI of the Civil Rights Act

In addition, although DOJ is not a co-chair, it actively participates in the EJ IWG NEPA committee.

- a. How does EPA define “technical assistance” received from DOJ and other agencies within the IWG? Please explain in detail.

Pending DOJ input

- b. Will EPA provide technical assistance to minority and low-income communities to help them understand all technical aspects of the EPA Final Coal Ash Rule? If so, please explain in detail

Pending Marva response

15. How is EPA currently working with DOJ in the IWG? Please explain in detail.

See # 14

- a. What technical assistance is EPA currently requesting from DOJ? Please explain in detail.

Pending DOJ input

As noted in response #13, the Civil Rights Division of the Department of Justice provides technical assistance to ensure consistent enforcement of Title VI of the Civil Rights Act of 1964 as well as other civil rights statutes and Executive Orders that prohibit discrimination in federally conducted and assisted programs and activities. EPA is not able to discuss the details of assistance related to pending investigations or policy matters. However, pursuant to Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws, the Civil Rights Division reviewed and approved EPA Notice of Proposed Rulemaking for its Title VI regulations. The Division also participated in the six public meetings about the NPRM to explain the Department’s role in approving Title VI regulations.

16. How will EPA work with DOJ in the IWG in the future? Please explain in detail.

EPA will continue to work with DOJ making environmental justice a reality for all Americans.

Pending DOJ input

- a. What technical assistance does EPA plan to request from DOJ? Please explain in detail.

Pending DOJ input

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Comment [CRT5]: I think this is for EPA to answer. I don't think EPA gets technical assistance within the IWG. The work of the IWG is collaborative and any work product developed is that of the IWG not EPA. To the extent this question is seeking information about DOJ and other agencies' roles in the IWG, the DOJ role is described in question 14.

Comment [CMF6R5]: I agree. I am not sure why these questions about TA appear in the questions about the EJ IWG. If EPA needs more feedback from us, I would like to know if EPA discussed this at the UCCR hearing to get some context here.

Comment [CRT7]: Cynthia, I think the answer here is a general description of the relationship DOJ has with EPA. Here is CRT's. I recommend having EPA OCR review this response.

Comment [CMF8R7]: ENRD does not have the same sort of broad “technical assistance” responsibility as CRT and so I do not think we will provide a similar statement for ENRD. It seems this question is focused on EPA requesting “technical assistance” from DOJ through the EJ IWG on civil rights related matters, which I do not think EPA has done. Nevertheless, EPA will need to answer the question of what TA they have requested from DOJ. The Interrogatories do not define TA, which is why I asked Marsha what EPA said when they were at the UCCR hearing. Given that this is coming from UCCR, it makes sense that they are asking about TA in Title VI context. For ENRD, the only indication I have about what the question is really asking is perhaps in Question 14.a. regarding the coal ash rule. It seems unlikely that EPA is currently requesting TA from ENRD on that issue. So I think EPA needs to say what assistance they have requested from DOJ. If they did request assistance from ENRD, I can reach out to the appropriate Section(s) in our Division to review the response. The only request to ENRD for “assistance” I am aware came from DHS, not EPA, to work with the EJ IWG Goods Movement Committee regarding specific goods movement issues.

Comment [CRT9]: Can we note that DOJ leads several committees of the IWG. Something like, EPA expects DOJ to continue to lead and participate on committees of the IWG and support the work of the IWG to address ej issues across the country.

Comment [CMF10R9]: Daria I like your suggested sentence better than the “making EJ a reality” sentence. I made one change to yours → EPA expects DOJ to continue to lead and participate on committees of the IWG, as appropriate, and support the work of the IWG to address EJ issues across the country.

Comment [CRT11]: I think this answer needs to be prepared by EPA OCR and perhaps OECA. We are happy to review their response.

